

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

CHRISTOPHER A. TYTANIC,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-16-1107-D
)	
BLUE SKY BIO, LLC, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

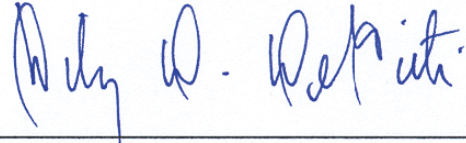
Following removal of this case from state court, both of the individual defendants moved to dismiss Plaintiff's petition. During the pendency of the motions, Plaintiff filed an Amended Complaint as authorized by Fed. R. Civ. P. 15(a)(a). This amendment supersedes Plaintiff's original pleading and renders it of no legal effect. *See Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991); *see also Predator Int'l, Inc. v. Gamo Outdoor USA, Inc.*, 793 F.3d 1177, 1180-81 (10th Cir. 2015) *Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007); *Callahan v. Poppell*, 471 F.3d 1155, 1161 (10th Cir. 2006). Thus, all motions directed at the petition are moot.

Plaintiff has filed response briefs in opposition to the motions. He has also filed a motion asking to the Court to prohibit one defendant from filing a reply brief. These filings were unnecessary.

IT IS THEREFORE ORDERED that Defendant Albert Zickmann's Motion to Dismiss Plaintiff's Petition [Doc. No. 8] and the Motion to Dismiss Defendant Sheldon A. Lerner [Doc. No. 13] are DENIED as moot, without prejudice to refileing a motion

directed at the Amended Complaint. Plaintiff's response briefs [Doc. Nos. 18 and 21] and Plaintiff's Motion to Prohibit a Reply by Co-Defendant Sheldon A. Lerner [Doc. No. 22] are STRICKEN from the case record.

IT IS SO ORDERED this 28th day of October, 2016.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE